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CRM-M-7967-2026
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104+209 (03 cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRM-M-68874-2025

Tarsem SinghPetitioner

versus

State of Punjab Respondent

2. CRM-M-7967-2026

Sukhyad Singh @ YadPetitioner

versus

State of Punjab Respondent

3. CRM-M-8064-2026

Jugraj SinghPetitioner

versus

State of Punjab Respondent

Date of decision : 15.05.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

**Present :- Mr. Ruhani Chadha, Advocate and
Mr. Keshav Chadha, Advocate
for the petitioner in CRM-M-68874-2025**

**Mr. R.S. Rai, Senior Advocate (Through V.C.) with
Mr. Arjun Rai, Advocate; Mr. Yajur Mago, Advocate;
Mr. Sukhsharan Sra, Advocate & Mr. Rehan Gupta, Advocate
for the petitioner(s) in CRM-Ms-7967 & 8064-2026.**

**Mr. Kuljinder Dhindsa, A.A.G., Punjab and
Mr. Ekom Pal Sagoo, A.A.G., Punjab.**



RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid three petitions as they have arisen out of the same FIR.
2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.71 dated 26.06.2024 under Sections 18, 27-A and 29 of NDPS, 1985 (Sections 27-B, 27 of NDPS Act and Section 52 and 181 of Motor Vehicle, Act, 1988, added lateron), registered at Police Station Khuian Sarwar, District Fazilka.
3. Succinctly, facts of the case are that while patrolling the police party received a secret information on 26.06.2024 to the effect that Sukhyad Singh @ Yad (petitioner in CRM-M-7967-2026), Tarsem Singh (petitioner in CRM-M-68874-2025) and Jugraj Singh (petitioner in CRM-M-8064-2026) are involved in smuggling of opium, which they would be bringing from Jharkhand in Swift Car bearing registration No.PB-05-AC-5015. It was informed that in case of raid, they could be arrested alongwith the contraband. On receiving the information, raiding team was constituted and the vehicle as disclosed in the secret information was stopped. All the three persons disclosed in the secret information, were arrested alongwith 66 kgs of opium and Rs.40,000/- as drug money. On the registration of the FIR, the investigation commenced. The petitioners approached the Court of learned Judge, Special Court, Fazilka praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merits in the same, dismissed the bail applications filed by the petitioners vide orders dated 31.07.2025, 29.08.2025 and 27.10.2025, respectively. Aggrieved by the same, the petitioners are



before this Court praying for grant of regular bail by way of filing the present petitions.

4. Learned Senior counsel as well as counsel for the petitioners have submitted that the petitioners have been falsely implicated in the present FIR. It is submitted that admittedly the case of the prosecution is based on the secret information, however, as per the case of the prosecution the secret information was received at 8:10 p.m., whereas the Innova Car bearing registration number PB-40-A-0088, was following the Swift car in which the petitioners were travelling since 3:48 p.m. and the same has been captured in the CCTV footage as well. It has been contended that it is apparent that the alleged secret information is totally false and frivolous and their arrest is totally illegal on the face of it. It is further submitted that petitioners, Sukhyad Singh @ Yad and Jugraj Singh, were arrested on spot whereas petitioner-Tarsem Singh was arrested lateron. To buttress their arguments, it is submitted that the alleged supplier of the contraband, namely, Kamal Singh, has already been granted bail by this Court vide order dated 05.09.2025 passed in CRM-M-42438-2025. It is submitted that petitioners, Sukhyad Singh @ Yad and Jugraj Singh, have no criminal antecedents, whereas, petitioner-Tarsem Singh, though was falsely implicated in 02 more cases, however, he is on bail in those cases. It is further submitted that out of total 54 prosecution witnesses, 26 witnesses have been examined and 11 witnesses have given up. It is submitted thus, submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

5. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners and submits that the



petitioners were specifically named in the secret information. He submits that 66 kgs of opium alongwith Rs.40,000/- as drug money was recovered in the present case and the contraband recovered is a huge commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted. He submits that in all there are 08 accused out of which, 05 accused are on bail. He submits that out of 54 witnesses, 16 witnesses are yet to be examined. He has produced on record the custody certificates of the petitioners.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was lodged on the basis of secret information. Admittedly, co-accused, namely, Kamal Singh, who was the supplier of the contraband, has already been granted bail by this Court vide order dated 05.09.2025 passed in CRM-M-42438-2025. The custody certificates reflects that the petitioners, namely, Sukhyad @ Yad and Jugraj Singh, have suffered an incarceration of 01 year, 10 months & 06 days as on 14.05.2026. It further reflects that the petitioners have no criminal antecedents. So far as petitioner-Tarsem Singh is concerned, he has suffered incarceration of 01 year, 05 months and 06 days and he is involved in 04 more case, out of which in one case he is on bail. Out of total 54 prosecution witnesses, 16 witnesses are yet to be examined.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in **Mohd**



Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260,

this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx

21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.



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9. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail.

10. Accordingly, all the petitions are allowed. Petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11. In case the bail bonds are not furnished by petitioner-Tarsem Singh, during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

15.05.2026
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No